

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

Superior Court
Barnstable, ss

Filed MAY 07 2019
SUPERIOR COURT
DOCKET NO. 1572CR00128

Scott B. Richardson
Clerk

COMMONWEALTH

v.

KEVEN SEME
Defendant

MOTION DISCOVERY: PRIOR SHOOTING OF DAVID COLON

Counsel moves the Commonwealth be ordered to provide all documentation it has regarding a prior shooting of the victim in this case, Mr. David Colon, which occurred within months of the murder in question ("Shooting"). This is raised in statements recently provided:

"I asked Shanel Bullock if she had any further information concerning the feud between Anthony Russ and David Colon. Bullock stated that the day David Colon was shot in the leg, David had called Anthony Russ on his cell phone and told Russ that he (David Colon) was in the "hood" waiting for him. Bullock stated that David called Anthony Russ and said, "here I am AV I'm in the hood come get me". Bullock stated shortly thereafter David was shot.

Bullock went on to say that she was inside of her grandmother's house during that incident and that she heard two gunshots. David Colon and his friend "Streets" arrived and both had suffered gunshots to their legs. David asked if he could clean up in her house and Bullock told him, no that he needed to leave. Bullock knew David Colon went and received medical treatment but that "Streets" did not. Bullock stated that she did not know the identity of "Streets" but that he was a black male and believed he was from Philadelphia. Bullock stated that "Streets" had a baby with a black girl named, Nicole. Note: BPD subsequently identified the black female as, Nicole Franklin DOB:

██████████ 1993."

FROM DETECTIVE COLIN KELLEY'S NARRATIVE, INTERVIEW OF SHANEL BULLOCK 15-2206-OF/15-1441-of

Wherefore the Defendant requests the Court Order the Commonwealth to produce: all reports, notes and interviews of anyone at any time in connection with this Shooting, inclusive of any identifying information of those in this report such as DOB, SS, Address, Telephone etc.: any information or reports regarding medical treatment provided as a result of the Shooting.

THE DEFENDANT

By His/Her Attorney

Edward B. Fogarty

Attorney Edward B. Fogarty
1380 Main Street * Ste 410
Springfield, MA. 01103
Tel: (413) 827-0174
Fax: toll free (866)843-1608
email: edward.b.fogarty@fogartylegalse
rvices.com
BBO: 173090

CERTIFICATE OF SERVICE: I, Edward Fogarty, certify I have caused a copy of the above to be served upon the Barnstable County District Attorney Office, attn. Sharon Thibeault. /s/ Edward Fogarty

DETECTIVE KELLEY'S NARRATIVE, INTERVIEW OF SHANEL BULLOCK 15-2206-OF/15-1441-of:

On the evening of Thursday the 16th of July, 2015 DET Butler and I arrived at 33 Fresh Holes RD Hyannis, MA residence of Shanel Bullock DOB: [REDACTED] 1994. I observed Bullock to be well spoken, articulate, and coherent. I also observed that Bullock was visibly nervous but willing to speak to DET Butler and me inside of her residence.

The following is a synopsis of Shanel Bullock's statement concerning the events of the 15th of April, 2015.

Shanel Bullock stated that she was in her car with "TT" whom she identified as being Theresa Rose DOB: [REDACTED] 1994. Bullock indicated that they were making preparations to attend the wedding of Cassie Brownell and Bullock's childhood friend, David Colon. Bullock stated that her grandmother, Shirley Hirock was preparing food for the wedding at her residence 33 Fresh Holes RD. Shanel Bullock indicated that Cassie Brownell was present at her grandmother's house and was getting ready in her dress while David Colon was at Veteran's beach awaiting their arrival.

Bullock stated that they were running late for the wedding and she believed that Cassie Brownell had utilized her grandmother's cellular telephone to continually call David and advised him of her tardiness. Bullock acknowledged that Brownell did not have a cellular telephone. Shanel Bullock further stated that she knew David Colon and "AV" Anthony Russ to be "boys" and had no knowledge of any ongoing "beef" between the two. In fact Bullock who knew Anthony Russ and had seen Russ earlier in the day indicated that she had made mention of the Colon / Brownell wedding to Russ. Bullock stated that she had asked Russ if he was going to the wedding and recalled Russ being surprised of the scheduled event.

Shanel Bullock stated as she and Theresa Rose were running late they eventually pulled into the back parking lot of her grandmother's residence to pick up Brownell. Once there Cassie Brownell entered the rear compartment of Bullock's vehicle. Bullock indicated that she had backed her vehicle up in an attempt to exit the parking lot and drive to the wedding at Veteran's Beach. Bullock stated that she observed Anthony Russ who was operating his blue Ford Explorer pull into the parking lot and exit his vehicle. Bullock stated that she observed a light skin black male who was seated in the passenger seat of Russ's vehicle but that she could not identify who the passenger was.

I made observations that Shanel Bullock was extremely scared to speak of the events of the 15th of April. Bullock stated that she knew Anthony Russ was responsible for David Colon's murder and that she knew Russ was a "psycho" indicating to DET Butler and I that she felt Anthony Russ was a dangerous person.

Shanel Bullock stated that Anthony Russ opened the rear door of her vehicle where Cassie Brownell was seated and that she observed him backhand her across the face. Bullock stated that she turned around and did not watch the rest of the assault because she felt it had nothing to do with her and that she was very

Barnstable Police Department**Page: 2****NARRATIVE FOR DET. COLIN T KELLEY****Ref: 15-2206-OF****Entered: 10/08/2015 @ 1512 Entry ID: 229**
Modified: 06/16/2016 @ 1417 Modified ID: 229

scared of Anthony Russ. Shanel Bullock stated that she overheard Anthony Russ screaming at Cassie Brownell to call David Colon and to get him to come down to Fresh Holes or Russ was going to go shoot his wedding up. Bullock stated Brownell could not because she did not have a phone. Bullock acknowledged that Russ's verbal and physical assault ended when Bullock's grandmother, Shirley Hlock exited her residence and threatened to call the Police.

Shanel Bullock stated that they then drove to Veteran's beach where David and other member's including the Justice of the peace were present. Bullock stated that the entire wedding party began to scatter and leave because they believed Anthony Russ was going to show up and shoot up the wedding. I asked Shanel Bullock specifically why she left Veteran's beach and she stated she was scared and believed that Anthony Russ was in fact on his way to shoot up the wedding.

(I asked Shanel Bullock if she had any further information concerning the feud between Anthony Russ and David Colon. Bullock stated that the day David Colon was shot in the leg. David had called Anthony Russ on his cell phone and told Russ that he (David Colon) was in the "hood" waiting for him. Bullock stated that David called Anthony Russ and said, "here I am AV. I'm in the hood come get me". Bullock stated shortly thereafter David was shot.)

(Bullock went on to say that she was inside of her grandmother's house during that incident and that she heard two gunshots. David Colon and his friend "Streets" arrived and both had suffered gunshots to their legs. David asked if he could clean up in her house and Bullock told him, no that he needed to leave. Bullock knew David Colon went and received medical treatment but that "Streets" did not. Bullock stated that she did not know the identity of "Streets" but that he was a black male and believed he was from Philadelphia. Bullock stated that "Streets" had a baby with a black girl named, Nicole. Note: BPD subsequently identified the black female as, Nicole Franklin DOB: [REDACTED] 1993.)

Barnstable Police Department**Page: 2****NARRATIVE FOR DET. COLIN T KELLEY****Ref: 15-2206-OF****Entered: 10/08/2015 @ 1512****Entry ID: 229****Modified: 06/16/2016 @ 1417****Modified ID: 229**

scared of Anthony Russ. Shanel Bullock stated that she overheard Anthony Russ screaming at Cassie Brownell to call David Colon and to get him to come down to Fresh Holes or Russ was going to go shoot his wedding up. Bullock stated Brownell could not because she did not have a phone. Bullock acknowledged that Russ's verbal and physical assault ended when Bullock's grandmother, Shirley Hirock exited her residence and threatened to call the Police.

Shanel Bullock stated that they then drove to Veteran's beach where David and other member's including the Justice of the Peace were present. Bullock stated that the entire wedding party began to scatter and leave because they believed Anthony Russ was going to show up and shoot up the wedding. I asked Shanel Bullock specifically why she left Veteran's beach and she stated she was scared and believed that Anthony Russ was in fact on his way to shoot up the wedding.

I asked Shanel Bullock if she had any further information concerning the feud between Anthony Russ and David Colon. Bullock stated that the day David Colon was shot in the leg. David had called Anthony Russ on his cell phone and told Russ that he (David Colon) was in the "hood" waiting for him. Bullock stated that David called Anthony Russ and said, "here I am AV I'm in the hood come get me". Bullock stated shortly thereafter David was shot.

Bullock went on to say that she was inside of her grandmother's house during that incident and that she heard two gunshots. David Colon and his friend "Streets" arrived and both had suffered gunshots to their legs. David asked if he could clean up in her house and Bullock told him, no that he needed to leave. Bullock knew David Colon went and received medical treatment but that "Streets" did not. Bullock stated that she did not know the identity of "Streets" but that he was a black male and believed he was from Philadelphia. Bullock stated that "Streets" had a baby with a black girl named, Nicole. Note: BPD subsequently identified the black female as, Nicole Franklin DOB: 10/18/1993.